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LUMEN INTELLECTUAL PROPERTY SERVICES, INC.  
2345 YALE STREET, 2ND FLOOR  
PALO ALTO, CA 94306

EXAMINER
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PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/21/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/738,275

Applicant(s)

HAYES-ROTH, BARBARA

Examiner

Namitha Pillai

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 9/29/03 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-13, 15-25 and 27-79 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6, 522, 333 B1 (Hatlelid et al.).

Referring to claim 1, Hatlelid discloses a means for authoring content of a computer-controlled agent, wherein this agent is used to visually represent a user (column 6, lines 13-19). Hatlelid discloses allowing users to describe potential context of an agent, by describing the personality type, this type being a potential context (column 6, line 16). Hatlelid also discloses identifying this content for the agent, in the form of potential context (column 6, lines 64-67 and reference number 304, Figure 3a), wherein identification of the content is done based on selections of behavioral characteristics. Hatlelid then discloses correlating the potential context and the content such that the content is accessible and usable for controlling a behavior of the

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agent when the potential context matches an actual context (reference numbers 1100 and 1104, Figure 11a), with the utterance being matched with its gesticulatory triggers based on the behaviors, during an operation of the agent, with the actual context, the actual behavior of the agent, matching with the potential behavior context that had been indicated the user who was authoring this agent. See column 7, lines 17-35.

Referring to claim 2, Hatlelid discloses allowing the user to input for determining the potential context during operation of the agent (column 6, lines 16-19).

Referring to claims 3 and 4, Hatlelid discloses that the input communicates a message, which effects a social transaction (column 2, lines 19-22).

Referring to claims 5, 6 and 7, Hatlelid discloses that message can be a question, comment (column 7, lines 62-63) and represents a request for help, wherein help is sought by the user sending out the message "ow!" (column 2, lines 45-47).

Referring to claim 9, Hatlelid discloses that the message refers to the mood of the agent (column 2, lines 20-27).

Referring to claim 10, Hatlelid discloses that the mood comprises an emotion, a manner, an attitude, a style and a feeling (Figures 10A and 10B).

Referring to claims 11 and 12, Hatlelid discloses that the message communicates a mood of the user, the mood being one of an emotion, a manner, an attitude, a style and a feeling (column 2, lines 22-27).

Referring to claim 13, Hatlelid discloses that the message refers to an application (column 4, lines 56-59 and column 7, line 1).

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Referring to claim 13, Hatlelid discloses that the message refers to an application (column 4, lines 56-59 and column 7, line 1).

Referring to claim 15, Hatlelid discloses that the input communicates a gesture by the user (column 3, lines 29-34).

Referring to claim 16, Hatlelid discloses that the input comprises at least one of typed words (column 2, lines 20-22).

Referring to claims 17 and 18, Hatlelid discloses that the input comprises selection from a menu, with the selection of the item being on a display (column 4, lines 4-5 and Figure 7).

Referring to claim 19, Hatlelid discloses that the behavioral characteristics described for the agents, referred to as the potential context comprises an internal event of the agent (column 19, lines 48-51).

Referring to claim 20, Hatlelid discloses that the internal event represents a change in an agent-mood of the agent (column 19, lines 62-63).

Referring to claim 21, Hatlelid discloses that the change is of a specified magnitude (column 19, line 55).

Referring to claim 22, Hatlelid discloses that the change in the events represents a change along a plurality of underlying mood dimensions (column 19, lines 27-33).

Referring to claim 23, Hatlelid discloses that the internal event represents a change in an assumed user-mood of a user, wherein the text typed in by user is analyzed to form events that represent the current mood of the user and represents this mood in the events (column 19, lines 64-67 and column 20, lines 1-7).

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Referring to claim 24, Hatlelid discloses that the event refers to a performance of a speech act by the agent, as seen by the examples (column 19, lines 39-45).

Referring to claim 25, Hatlelid discloses that the event refers to a message from the agent (column 19, line 52).

Referring to claim 27, Hatlelid discloses that the internal event refers to an action of the agent (column 19, line 54).

Referring to claims 28 and 41, Hatlelid discloses displaying an animation of the agent, as seen in Figure 2a, an operation of an application, wherein this application includes a browser which is used for sending and receiving information through TCP/IP connections, with a network such as the Internet (column 4, lines 56-63), a presentation of a menu as see in Figure 7 and the presentations all being shown of a display, without which it would not be possible to show the menus and the chat sessions, as seen in Figures 2 and 7.

Referring to claim 29, Hatlelid discloses that the internal events refer to an itinerary of the agent, wherein the choreography sequence referred to by Hatlelid represents the itinerary of the agent (column 19, lines 13-20 and lines 48-51).

Referring to claim 30, Hatlelid discloses that the itinerary has a plurality of stops and the event nodes refer to particular stops from these plurality of stops (column 19, lines 18-27).

Referring to claim 31, Hatlelid discloses that the particular stops, represented as control markers for controlling the sequence, wherein the event nodes comprises an agenda and the event refers to an agenda, as listed by Hatlelid (column 19, lines 24-27 and column 19, lines 50-62).

Referring to claim 32, Hatlelid discloses that the agenda has a plurality of steps that must be carried out, and wherein the event refers to a particular step among the steps, the events being the animation of the agent (column 19, lines 50-62).

Referring to claim 33, Hatlelid discloses a particular step comprising a plurality of actions, the plurality of actions depicted as the plurality of nodes, wherein the event refers to one of the nodes amongst the plurality of these nodes (column 19, lines 48-51 and column 20, lines 4-7).

Referring to claim 34, Hatlelid discloses that the action can be facial movements, which entail a speech act, gesture, change mood (column 20, lines 7-18). Hatlelid discloses storing information to a database, which includes writing to a database (column 20, lines 18-21). Hatlelid discloses launching a browser application involving client/server relationship with TCP/IP connections, wherein a browser command would include sending out invitations for user to join in a communication session (column 4, lines 56-67 and column 5, lines 1-5).

Referring to claims 35 and 36, Hatlelid discloses that the potential context comprises an internal state of the agent, wherein the state represents the mood of the agent (column 2, lines 20-30).

Referring to claim 37, Hatlelid discloses that the state of the user represents the assumed mood based on the selections made by the user (column 2, lines 22-30).

Referring to claim 38, Hatlelid discloses intervals and changes in dimension made to define the volume or intensity of the mood (column 14, lines 15-17).

Referring to claim 39, Hatlelid discloses that the internal state refers to a message from the agent (column 2, lines 22-23).

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Referring to claim 40, Hatlelid discloses that the internal state refers to an action of the agent (column 2, lines 25-27).

Referring to claim 42, Hatlelid discloses that the internal state of the agent refers to an itinerary of the agent (column 5, lines 15-21).

Referring to claim 43, Hatlelid discloses that the potential context for an agent includes a plurality of elements such as personality types, gestures and moods (column 6, lines 14-26).

Referring to claim 44, Hatlelid discloses that the plurality of elements includes a context element pre-defined for the author to select from (Figure 7 and column 4, lines 4-5).

Referring to claim 45, Hatlelid discloses that the plurality of elements includes a context element defined by the author (column 4, lines 8-11 and column 6, lines 19-21).

Referring to claim 46, Hatlelid discloses that the plurality of elements include a context element predefined for the author, which are the personality types (Figure 7 and column 4, lines 4-5) and a second context element more specifically defined by the author, which are the scaled mood settings (column 4, lines 8-11 and column 6, lines 19-21).

Referring to claim 47, Hatlelid discloses that the potential context is identified for the author in a graphical interface as shown in Figure 7.

Referring to claim 48, Hatlelid discloses that the graphical interface provides a labeled slot allowing the author to describe the content by filling the slot with text (Description and Text Box, Figure 9B).

Referring to claim 49, Hatlelid discloses that the graphical interface provides a menu of items allowing the author to describe the content by selecting one of the items from the menu (Figure 7).



Referring to claim 50, Hatlelid discloses providing graphical interface with a gesture table of gesture contexts (Figure 10a and column 15, lines 1-4), allowing the author to specify a particular gesture context in which a particular gesture can be chosen and hence performed by identifying a location in the gesture table (column 15, lines 15-20).

Referring to claim 51, as seen by the table of Figure 10a in Hatlelid, the gesture table includes a dimension representing a plurality of moods.

Referring to claim 52, as seen in Figure 9B, the graphical interface provides many icons representing functions, allowing the author to describe content by selecting a function, concerning, gestures, phrases and other functions.

Referring to claim 53, Hatlelid discloses a function specifying an interaction with an external system, wherein the interaction of a client with a server, suggests an external system (column 4, lines 61-64).

Referring to claim 54, Hatlelid discloses that the external system can be a browser, suggested by the client/server system and the TCP/IP connections wherein the user can send and receive data, a database which is represented as the server in Hatlelid and an application, which the user launches to present the visual needed to carry out the invention (column 4, lines 56-67).

Referring to claim 55, Hatlelid discloses delivering dialogue during an operation of the agent (column 2, lines 20-30).

Referring to claim 56, Hatlelid discloses that the dialogue is created explicitly by the author (column 2, lines 20-23).

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Referring to claim 57, Hatlelid does include that the dialogue includes a variable, which may be replaced by a value selected from a specified group of alternative values (column 14, lines 55-65).

Referring to claim 58, Hatlelid does disclose that there is a specification of a manner of timing of the dialogue, wherein it is specified that the timing concerning this variable would include this session or specific utterance (column 14, lines 57-65).

Referring to claim 59, Hatlelid does disclose the condition under which this dialogue is delivered, the condition being that this dialogue with the variable be delivered only for this one session or specific utterance (column 14, lines 57-65).

Referring to claim 60, Hatlelid discloses that the content as seen in Figure 2a of the discussion, does enable the users to tell a story.

Referring to claim 61, Hatlelid discloses that the content enables the agent to ask a question of a user (column 7, lines 62-64).

Referring to claim 62, Hatlelid discloses as seen by the content of the interaction between the two users of Figure 2a, that the dialogue that is carried on is based on one of the user's response to the question asked by the other user.

Referring to claim 63, Hatlelid discloses that content allows the agent to choose among a plurality of alternative dialogue options, the options being depicted in column 19, lines 40-45.

Referring to claim 64, Hatlelid discloses enabling the agent to perform a gesture during an operation of the agent (column 3, lines 29-34).

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Referring to claim 65, Hatlelid discloses the change of mood during an operation of the agent, wherein if the user wishes to change to expression of hurt, the message along with the mood of the agent is changed to communicate the message of hurt (column 2, lines 45-47).

Referring to claim 66, Hatlelid discloses changing a value of a precondition during an operation of the agent (column 14, lines 55-65).

Referring to claim 67, Hatlelid discloses that the agent must interact with an external system during the operation of the agent, in order to communicate through the messages (column 4, lines 55-65).

Referring to claim 68, Hatlelid discloses a itinerary, represented as the choreography sequence, which the agent will follow having a sequence of control markers, representing the stops, which control the sequence of the itinerary (column 5, lines 15-21 and column 19, lines 24-27).

Referring to claim 69, Hatlelid discloses that the sequence of stops for an agent, wherein the agent upon interacting with another user determines when to be idle and stop the sequence of movements, wherein the agent is idle and has stopped any actions, as specified by the selections made by the author (column 10, lines 50-52).

Referring to claim 70, Hatlelid discloses that these sequences of stops are specified by the author (column 10, lines 50-52).

Referring to claim 71, Hatlelid discloses that these stops are influenced by the preconditions selections made concerning the mood (column 10, lines 51-52).

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Referring to claim 72, Hatlelid discloses the content enables the agent to follow an agenda, comprising a sequence of steps, each of the steps being represented as the sequence nodes (column 19, lines 18-20).

Referring to claim 73, Hatlelid discloses that the choreography sequence known as the sequence of steps is determined by the selections made concerning the characteristics and mood of the users, thereby the author or user specifying the steps to be carried out (column 5, lines 15-21 and column 6, lines 14-26).

Referring to claim 74, Hatlelid discloses that the sequence of steps is influenced by an interaction with a user during an operation of the agent, as specified by the author, wherein the steps are recited based on the operation of the agent and the specifications made by the author for the personality (column 20, lines 1-30).

Referring to claim 75, Hatlelid discloses that these sequence of steps are influenced by a precondition and mood that are set (column 6, lines 14-22).

Referring to claim 76, Hatlelid discloses that the content is persona content (column 2, line 20).

Referring to claim 77, Hatlelid does disclose content being accessed by the user, which is application content (column 4, lines 56-61).

Referring to claim 78, Hatlelid discloses that the agent engages in natural language conversation with another user, the potential conversation context is the potential context chosen by the user, content is the conversation content, "Hello!" being one example, the behavior is the conversation behavior, the hand waving and smile being the behavior, and the actual context is

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the actual conversation context which has taken place, the example being the text "Hello!" with the hand waving and smile (column 2, lines 20-30).

Referring to claim 79, Hatlelid discloses a means for authoring a computer-controlled agent to play a specified role in interaction with a user (column 6, lines 64-67). Hatlelid discloses identifying the logical structure of the interaction, through a sequence of interaction stages (column 5, lines 15-21). Hatlelid discloses that for each of the stages identifying the structure of the interactive behaviors of the agent and the user, as seen in Figure 14c (column 20, lines 4-7). Hatlelid also discloses that for each of these logical structures identifying the potential context of the agent, the potential context referring to the selected behavioral characteristics (column 20, lines 7-10). Hatlelid also identifying this content for the agent, in the form of potential context (column 6, lines 64-67 and reference number 304, Figure 3a), wherein identification of the content is done based on selections of behavioral characteristics. Hatlelid then discloses correlating the potential context and the content such that the content is accessible and usable for controlling a behavior of the agent when the potential context matches an actual context (reference numbers 1100 and 1104, Figure 11a), with the utterance being matched with its gesticulatory triggers based on the behaviors, during an operation of the agent, with the actual context, the actual behavior of the agent, matching with the potential behavior context that had been indicated the user who was authoring this agent. See column 7, lines 17-35.

Referring to claim 81, Hatlelid discloses that a computer system is programmed to perform the steps of claim 79 (reference number 116, Figure 1).

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Referring to claim 82, Hatlelid discloses an article of manufacture comprises a computer readable medium carrying computer-executable instructions implementing the steps of claim 79 (column 4, lines 50-55).

Referring to claim 83, Hatlelid discloses that computer system is programmed to perform the steps of claim 1 (reference number 116, Figure 1).

Referring to claim 84, Hatlelid discloses an article of manufacture comprises a computer readable medium carrying computer-executable instructions implementing the steps of claim 1 (column 4, lines 50-55).

Referring to claim 85, Hatlelid discloses a computer system having an agent engine capable of generating and controlling interactive agent behaviors (column 2, lines 52-62). Hatlelid discloses a graphical user interface with means to specify content of a particular computer-controlled agent and to identify a potential context of the particular computer controlled agent (Figures 2b, 3a and 11a).

Referring to claim 86, Hatlelid discloses an authoring database accessible by agent engine for storing the contents (Figure 3b and column 8, lines 38-40). Hatlelid also discloses a configuration tool for processing the stored content (reference number 120, Figure 1) and a run-time database accessible by the agent engine for storing the processed content (column 8, lines 55-60). Hatlelid also discloses that the agent engine generating and controlling the interactive agent behaviors of the particular computer-controlled agent with either the stored content from the authoring database or the processed content from the run-time database (column 8, lines 38-58).

Referring to claims 87 and 88, Hatlelid discloses that the internal event refers to an agenda of the agent (column 8, lines 46-49).

Referring to claim 89, Hatlelid discloses that the dialogue includes a variable, which is replaceable by a value determined during an operation of the agent (column 15, lines 50-60).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 14, 26 and 80 rejected under 35 U.S.C. 103(a) as being unpatentable and obvious over Hatlelid.

Referring to claim 8, Hatlelid discloses that the message area can accept messages that refer to various types of information, in order for the users to communicate with each other (column 6, lines 27-30). Hatlelid discloses the items being shown as messages consisting of biographical information of the agents and the users, this information being the personality that the user chooses to depict the agent (column 6, lines 14-15). As seen, by Figure 2a, there can be chat topics, that is a referred to in the messages shown in the text box, the chat topic being conversation between the two users discussing their moods. Also seen by this Figure, and the motions of the agents, the behavior of the agent is also referred to in these messages, these messages including the received messages from the agent. It is also inherent by looking at the display of Figure 2a, that these messages are involved with a display and that these messages are involved with an interaction between the user and the agent. The user typing in the messages

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and the agent depicting this message through words and actions. Hatlelid does not disclose using a Web site when referring to messages that are selected or depicted. But Hatlelid does disclose that any type of utterance may be disclosed which would allow for users to communicate with each other. It would have been obvious for one skilled in the art, at the time of the invention to use a Web site as one of the times that is referred to in the messages, in a conversation between two users. Users often discuss all types of topics and a Web site could such a topic, wherein the messages refer to a Web site that is the referred to item in a message. Hence, one skilled in the art, at the time of the invention would have been motivated to use a Web site as one of the items referred to in the messages, to include all sorts of items that users may refer to in their messages in order to better communicate with each other.

Referring to claim 14, Hatlelid discloses the user inputting a message, wherein the user must refer to an application in order to launch the visual representation (column 4, lines 55-60). Hatlelid is referring to the user choosing a type of application which would allow for the user to set up the agent and then go on to communicate with other users and agents. Hatlelid does not specifically state the application type, as recited in the claims. The application, wherein referred to can be any type of application which would benefit from a user and receipt sending and receiving data from each other. The manner in which this input message would be inputted would involve the user picking and launching an application, wherein this application can represent one of many choices that can be launched. It would have been obvious to one skilled in the art, at the time of the invention to specify that the applications being launched through the user input would be a search engine, e-commerce system, a registration process and a simulation. The applications being launched can include any type which would include the visual



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representation as stated in Hatlelid's disclosure and Figure 2a, and amongst these applications can include the specific applications, recited in these claims.

Referring to claim 26, Hatlelid discloses that the message area can accept messages that refer to various types of information, in order for the users to communicate with each other (column 6, lines 27-30). Hatlelid discloses social transaction as seen in Figure 2a. Hatlelid discloses the items being shown as messages consisting of biographical information of the agents and the users, this information being the personality that the user chooses to depict the agent (column 6, lines 14-15). Hatlelid discloses an agent mood of the agent, as shown by the actions of the agents representing the moods within the messages and by the disclosure of a mood selection being made for the agents (column 6, lines 19-22), wherein the assumed user-mood of the user also refers to the mood that has been selected referring to the messages. As seen, by Figure 2a, there can be chat topics, that is a referred to in the messages shown in the text box, the chat topic being conversation between the two users discussing their moods. Hatlelid discloses that the message refers to an application (column 4, lines 56-59 and column 7, line 1). It is also inherent by looking at the display of Figure 2a, that these messages are with an interaction between the user and the agent, with the user inputting the text messages and the agent displaying the capability, showing this capability by depicting the moods and behavior set by the user. Hatlelid does not disclose using a Web site when referring to messages that are selected or depicted. But Hatlelid does disclose that any type of utterance may be disclosed which would allow for users to communicate with each other. It would have been obvious for one skilled in the art, at the time of the invention to use a Web site as one of the times that is referred to in the messages, in a conversation between two users. Users often discuss all types of topics and a

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Web site could such a topic, wherein the messages refer to a Web site that is the referred to item in a message. Hence, one skilled in the art, at the time of the invention would have been motivated to use a Web site as one of the items referred to in the messages, to include all sorts of items that users may refer to in their messages in order to better communicate with each other.

Referring to claim 80, Hatlelid discloses creating any kind of characters based on the behavioral characteristics chosen by the user, as seen by the examples shown in Figures 2, these roles specify a messenger role, and wherein all the characters described do fall under the representation of messenger roles, wherein each of the characters serve the purpose of being a messenger to the user. Hatlelid does not disclose specifically a sales assistant role, a learning guide role, a customer service role, a survey administrator role, a web site host role, a game opponent role and a marketing agent role, as stated in the claims. It would have been obvious to one skilled in the art, at the time of the invention, to disclose the specific roles that can be created in Hatlelid's invention. Hatlelid has provided a means for creating these specific roles and has implied the messenger role that is obvious in such a chat system (Figure 2a). It would have been obvious for Hatlelid to create these specific roles through the interface and options that have been given to the user to create a customized agent.

#### ***Response to Claim Changes***

4. The Examiner acknowledges Applicant's amendments to claims 1 and 79 and the addition of new claims 81-89. However, all claims are rejected under 35 U. S. C. 102 and 103 as being previously disclosed in prior art.

#### ***Response to Arguments***

5. Applicant's arguments filed 9/15/03 have been fully considered but they are not persuasive.

With response to Applicant's arguments that Hatlelid does not disclose a computer-controlled agent, wherein a visual representation does not have its own personality or behavior. Hatlelid has clearly disclosed and thus being the main purpose of the invention, that the visual representations are computer controlled agents, wherein these agents are controlled based on a set of characteristics within an application, and where the purpose of the invention is to ensure that these visual representations have their own personality or behavior (column 2, lines 10-30).

With response to Applicant's arguments that Hatlelid does not disclose that the computer-controlled agent interacts with a user but instead is used to visually represent a user. In fact, Hatlelid carries out both of the functions mentioned above, wherein the visual representation of the user is used to carry out an interaction and convey a message to the user or recipient of the message. Thus the computer-controlled agents do interact with a user (column 2, lines 26-29).

With respect to Applicant's arguments that Hatlelid does not disclose that user authors contents of the personality type or behavior. Hatlelid clearly discloses that the user by making selections for the behavior type clearly takes on the role of author for authoring the personality type of the visual representation (column 2, lines 7-9).

With respect to Applicant's arguments that the "personality type" taught by Hatlelid does not fall within the meaning of a "potential context". Potential context is a broad term which as interpreted based on the claims, could be related to any information that would help in determining the behavior of a type of person, wherein a distinct personality type would determine the potential context of a distinct user and hence the user's visual representation.

With respect to Applicant's arguments that a particular computer-controlled agent usually requires a substantial amount of detailed logic that is characteristic of computer programming. Hatlelid does disclose that computer programs represented by applications such as the "Visual Representation Application Module" do use programming to implement the computer controlled agent, and furthermore (reference number 120, Figure 1), the detail logic referred to in the arguments does not appear in the claims, wherein the claims are disclosed in the previous art, Hatlelid.

With respect to Applicant's arguments that Hatlelid is allows a user to directly coordinate the movement of a visual representation, whereas the present invention in contrast allows for a human to author visual representation. Hatlelid clearly discloses that the user directly coordinating is the same as a human user authoring the movements of a visual representation. Furthermore, the act of autonomously carrying out distinct steps representing the user is apparent in Hatlelid (column 2, lines 20-27), wherein the user authors a behavioral type of extrovert, and wherein when the user types in a message at a later time, that potential context of the personality type of extrovert is used to determine the movements of the visual representation without any user manipulation, wherein the movements then become the actual context based on the potential context. Furthermore, there has been no clear extensive disclosure of any autonomous roles that the visual representations may have in the claims of the present invention.

With respect to Applicant's arguments that Matsuda and Cheng and how they are applied to the claimed invention. As stated in the rejection, it is Hatlelid that clearly discloses all claimed aspects of the present invention, Matsuda and Cheng are simply inventions that are in

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the same field as that of the present invention and Hatlelid that has similar concepts included it, such as a means for determining behavior attributes for visual representations.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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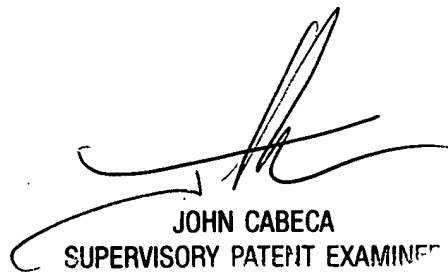
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
January 13, 2004



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 210